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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Hariklia Deligianni, et al.	Date: October 20, 2004
Serial Number: 10/604,278	Examiner: Bernard Rojas
Filed: 7/08/03	Group Art Unit: 2832 /Conf # 1277
Title: Noble Metal Contacts for Micro-Electromechanical Switches	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

#### RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated October 5, 2004.

The Examiner in the Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 1-13, drawn to a MEM switch, and,

GROUP II, Claims 14-27 drawn to a method of creating a MEM switch.

Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-13, and withdraw from consideration the claims forming GROUP II, as being drawn to

10/604,278

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PAGE 2/3 \* RCVD AT 10/20/2004 2:45:02 PM [Eastern Daylight Time] \* SVR:USPTO-EXRF-1/0 \* DNIS:8729306 \* CSID:845 892 6363 \* DURATION (mm:ss):01:00

non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Therefore, the invention of GROUP II, namely, Claims 14-27 can be withdrawn by the Examiner under 37 C.F.R. 1.142 b), as being drawn to a non-elected invention.

The election of claims is made without traverse.

The Office Action further states that the application contains claims directed to patentable distinct species of the claimed invention, each species representing a separate embodiment of the invention. Applicants contend that an election of species is not warranted since the elected Group I (Claims 1-13) claims a MEM switch which structure reads on all the stated species (i.e., embodiments 1 through 4). During a telephone interview conducted on October 14, the Examiner concurred with the Applicants' representative. In view of the foregoing, the present response does not include an election of species.

Respectfully submitted,  
HARIKLIA DELIGIANNI, ET AL.

By:   
H. Daniel Schnurmann, Agent  
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Re Applic of	International Business Machines Corporation
Docket No.	FIS920030061US1
Serial No.	10/604,278 / Conf # 1277
Filing Date	7/8/03
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

**PLEASE DELIVER TO:**

**EXAMINER:** Bernard Rojas

**ART UNIT:** 2832

**PHONE NO:**

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